

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

RUSSELL J. GUIDROZ, JR., ET AL.,	:	DOCKET NO. 05-1148
	:	
Plaintiffs,	:	
vs.	:	July 10, 2006
	:	
CHAMPION ENTERPRISES, INC., ET AL.,	:	
	:	
Defendants.	:	Lafayette, Louisiana

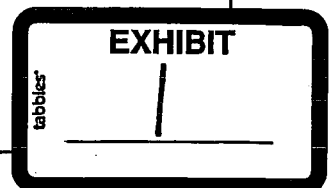
OFFICIAL TRANSCRIPT OF THE HEARING
BEFORE THE HONORABLE C. MICHAEL HILL
UNITED STATES MAGISTRATE JUDGE.

APPEARANCES:

FOR THE PLAINTIFFS:	HUGH E. MCNEELY Hagens, Berman, et al. 1 Main St., 4th Fl. Cambridge, MA 02142
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FOR THE DEFENDANTS:	LAMONT P. DOMINGUE Voorhies & Labbe P.O. Box 3527 Lafayette, LA 70502
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1 condensation in the walls and causing problems with their homes.

2 THE COURT: Well, you're asking me to hold that his --
3 that his complaint as pled is preempted.

4 MR. DOMINGUE: That's correct, Your Honor.

5 THE COURT: And what I hear you saying is that it is
6 conceivable if he had pled -- made his complaint read in another
7 way, that it might not be preempted.

8 MR. DOMINGUE: Precisely. And let me offer this, Your
9 Honor.

10 THE COURT: In that case is the remedy to allow him to
11 amend?

12 MR. DOMINGUE: It could be. Look, I agree with Your
13 Honor. There are remedies that's perfectly permissible if this
14 Court chooses. In fact, I think there's probably case law out
15 there that says, look --

16 THE COURT: Well, the case law says if he can amend it,
17 he can solve the problem (unintelligible).

18 MR. DOMINGUE: Exactly. And it goes back to -- for
19 example, let's say now he says, well, look, it was an improper
20 form of construction. I mean, that's what happened in -- what
21 was the case I was citing to the Court? Oh, the MacMillan case.
22 That's what the court did there.

23 They said, look, you're saying dangerous --
24 unreasonably dangerous levels of formaldehyde. You've got to
25 give us more than that. That's just a general -- you know, we've